



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, SEPTEMBER 16, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Cynthia J. Cook Council Member Hedy L. Chang Council Member J. Robert Foster Council Member Bev E. Freeman
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6:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(Deputy City Clerk Kazezski)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(Deputy City Clerk Kazezski)

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

PUBLIC EMPLOYMENT

Legal Authority:	Government Code Section 54957
Title of Position:	City Attorney
City Consultant:	Norman Roberts
Staff Present:	David M. Jinkens, Helene L. Leichter, LeeAnn Kazezski

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT
Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Nick Zubowski
Retirement from
South Valley Disposal and Recycling

Silicon Valley - Citizens Against Lawsuit Abuse
Lawsuit Abuse Awareness

PRESENTATIONS

Certificate of Appreciation
Bill Weber
Planning Commissioner

INTRODUCTIONS

Michelle Erlichman
Police Support Services Specialist II Trainee

CITY COUNCIL REPORT

Council Member Foster
Update on High School Design

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **APPROVAL OF FUNDING AGREEMENT WITH CALTRANS FOR THE MADRONE AVENUE UNDERPASS SEISMIC RETROFIT PROJECT**
Recommended Action: 1) **Approve** the attached funding agreement with Caltrans for the Madrone Avenue Underpass Seismic Retrofit Project and 2) **Adopt** the attached Resolution designating the City Manager as the City official authorized to sign the funding agreement.
2. **ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE PROGRAM TO COMPLY WITH FEDERAL-AID FUNDING REQUIREMENTS**
Recommended Action: 1) **Adopt** the Federal Disadvantaged Business Enterprise (DBE) Program as the City's DBE Program for transportation improvement projects and 2) **Adopt** a 10 percent DBE goal for the upcoming Federal fiscal year.
3. **APPOINTMENTS TO THE MORGAN HILL MOBILE HOME RENT STABILIZATION COMMISSION**
Recommended Action: **Approve** the Mayor's recommendation to **re-appoint** Commissioners Charles Dillmann and Dennis Pinion; and **appoint** Lou Mirviss for a term of two years each.
4. **MAKE FINDINGS OF BENEFIT FOR THE USE OF REDEVELOPMENT 20% HOUSING SET ASIDE FUNDS OUTSIDE OF THE OJO DE AGUA COMMUNITY DEVELOPMENT PROJECT**
Recommended Action: **Adopt** a Resolution making findings of benefit for the use of Agency 20% Housing Set Aside funds

outside of the Project area.

5. **APPROVAL OF REGULAR MEETING MINUTES OF SEPTEMBER 2, 1998**

LEGALLY NOTICED PUBLIC HEARINGS:

6. **STREET NAME POLICY**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to give direction to staff.

7. **GPA-97-11 & ZA-97-20: WALNUT GROVE-LA MERE**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve Mitigated Negative Declaration,

Action - Motion to adopt Resolution approving General Plan Amendment,

Action - Motion to waive the reading in full of the Ordinance approving the Zoning Amendment;

Motion to introduce Ordinance by title only.

OTHER BUSINESS:

8. **PERSONNEL COMMISSION APPOINTMENT**

Recommended Action: 1) Interview Sandra McNeal and Hilary Swartz, applicants for the Personnel Commission and 2) For the Mayor to appoint one applicant to the Personnel Commission to fill the seat for the term ending April 1, 2001, with the approval of the City Council.

9. **FINANCIAL ASSISTANCE TO GAVILAN COMMUNITY COLLEGE DISTRICT FOR A NEW SATELLITE CAMPUS AT 15750 VINEYARD BOULEVARD IN MORGAN HILL**

Recommended Action: 1) Approve a grant by the Redevelopment Agency of up to \$61,000 to Gavilan Community College District to pay for City impact fees in connection with tenant improvements and payment for construction and installation of sidewalk and related improvements for the new satellite Campus at 15750 Vineyard Boulevard, Morgan Hill; and 2) Approve a loan of up to \$16,000 by the Redevelopment Agency to defray the cost of rehabilitating the campus by advancing sums for City planning, building, and public works, police, fire and general City facilities fees, required to construct tenant improvements at the satellite campus; and 3) Appropriate \$77,000 from Fund 317; \$16,000 from fund balance 46420-8010-RDA 045, and \$61,000 from fund balance 46440-8010-RDA 045; and 4) Direct the Executive Director of the Redevelopment Agency to work with Gavilan Community College District to negotiate and execute agreements and related documents in an amount not to exceed \$77,000, and authorize the officers and staff of the Morgan Hill Redevelopment Agency to do all acts and things necessary or desirable in carrying out the intent of the attached Resolution; and 5) Adopt a resolution containing the above four actions.

10. **ADOPT NEW SHOPPING CART ORDINANCE**
Recommended Action: 1) **Waive** the reading in full of the ordinance, and 2) **Introduce** ordinance by title only.
11. **APPLICATION ZA-98-11: DUNNE/CONDIT-CITY OF MORGAN HILL**
Recommended Action: 1) **Waive** the reading in full of the ordinance, and 2) **Introduce** ordinance by title only.
12. **LOCAL LAW ENFORCEMENT BLOCK GRANT**
Recommended Action: 1) **Accept** the spending plan as presented and 2) **Appropriate** \$29,247 in FY 98/99 from the Law Enforcement Block Grant Fund for grant projects.
13. **REQUEST FROM MAYOR PRO TEMPORE COOK TO AUTHORIZE THE RELEASE OF AN OPINION LETTER FROM SPECIAL LEGAL COUNSEL, RICHARD WHITMORE, REGARDING ALLEGATIONS MADE BY COUNCIL MEMBER FREEMAN AGAINST MAYOR PRO TEMPORE COOK**
Recommended Action: **Council discretion.**

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT TO: **Special Redevelopment Agency meeting. (See separate agenda.)**

FUTURE COUNCIL AGENDA ITEMS:

City Council Goals Presentation
Adopt-A-Park Program
Revisions to Animal Control Ordinance
Sign Code Enforcement Report
Approve CIP Budget

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #6 and #7 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.